AMENDMENTS TO THE DRAWINGS

Please amend the drawings of the application as follows:

Appendix A includes a Replacement Sheet as well as an Annotated Sheet Showing Changes for Figure 1. The replacement sheet adds item 14, which was inadvertently left off the original figure.

REMARKS/ARGUMENTS

Claims 1-41 are now pending in this application. In the June 26, 2006 Office Action (the Action), Claims 1-41 were rejected. Several objections to informalities in the specification and drawings were also made. By this amendment, claims 1, 14, 24, and 38 have also been amended. Following entry of this amendment, claims 1-41 will be pending in the present application. For the reasons set forth below, the applicants respectfully request reconsideration and immediate allowance of this application.

Amendments to the Specification

The Action objected to an informality in the specification, namely Item 835 of FIG. 8 is not shown in the Specification. In response, the applicants have herein amended the paragraph commencing at page 14, line 3, to include description of Item 835, as noted above. In addition, paragraphs containing two typographical errors have been amended to fix the errors. No new matter has been added by way of these amendments to the specification. Accordingly, the applicants respectfully submit that the objection has been overcome and should be withdrawn.

Amendments to the Drawings

The Action objected to Figure 1 for not showing "mass storage device 14". Accordingly, the applicants have submitted herewith a replacement drawing that corrects the defects noted by the Examiner. In particular, Figure 1 has been amended to include the item number 14 as referring to the mass storage device. No new matter has been added by way of the replacement sheet. Accordingly, the applicants respectfully submit that the objections to the drawings have been overcome and should be withdrawn.

Claim Rejections Under 35 U.S.C. 102(e)

In the June 26, 2006 Office Action, claims 1-41 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,017,040 to Singer, *et al.* (*Singer*). The applicants respectfully submit that *Singer* does not teach, suggest, or describe each and every recitation of these claims. In particular, with respect to amended independent claim 1, *Singer* does not teach, suggest, or describe "following copying the image file to the memory device, updating only the non-essential region in the memory device to update the optional program code for the computer system."

Singer provides a BIOS update file, which includes a signed data portion having a volume header, signed data, and executable update code to configure the signed data with data in an unsigned data portion. (Abstract) *Singer* describes an OEM initially generating a secure BIOS update file having an unsigned portion that is empty. (Col. 3, lines 49-54) Then a third party configures the unsigned portion of the BIOS update file using executable update code. (Col. 3, lines 54-56) Once the update code has completed executing, a modified signed data portion is created as a trusted image and committed to a flash memory. (Col. 4, lines 4-6).

Singer describes executing code first to modify the signed data portion of the BIOS, and then copies the resulting image to flash memory. This runs counter to claim 1 of the present invention, which recites copying an image file to a memory device, and then updating only the non-essential region in the memory device. *Singer* does not teach or suggest updating only the non-essential region in the memory device. Accordingly, *Singer* does not teach, suggest, or describe each and every element of amended independent claim 1. The applicants therefore submit that this claim is in condition for immediate allowance and request that the rejection be withdrawn.

Rejections of claims 2-13, which depend ultimately from claim 1, should also be withdrawn for the same reasons and because these claims include recitations not taught or suggested by *Singer*. For example, claim 3 recites "reserving at least one of a plurality of sectors in the memory device for storing the at least one non-essential block." The Action asserts that flash memory modules 28 of *Singer* Fig. 1 constitute sectors. Even were this comparison accurate, *Singer* does not teach or suggest reserving at least one of the flash memory modules for storing the at least one non-essential block.

As another example, claim 8 recites "wherein the at least one non-essential block comprises a header and at least one module." In arguing that this claim is anticipated, the Action argues that a BIOS file header 52 described in *Singer* Fig. 2 teaches a header of a non-essential block. A file header, however, is not the same thing as a header for a non-essential block. Moreover, the unsigned data portion 56 described by *Singer* appears as a distinct portion of the same BIOS file for which header 52 is a part. A non-essential block comprising a header cannot be taught or suggested by a BIOS file header for a file of which an unsigned data portion is merely a part. Moreover, the Action argues that update code 62 described in *Singer* Fig. 2

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teaches at least one module. As with the BIOS file header, however, a non-essential block arguably taught by unsigned data portion 56 cannot be comprised of update code 62, when both are coequal parts of BIOS update file 50. Therefore, claim 8 is not taught or suggested by *Singer*, and the applicants request that the rejection of the claim be withdrawn.

Amended independent claims 14 and 24 include recitations similar to claim 1, and they are allowable for the same reasons set forth with regard to claim 1, in addition to these claims having unique recitations not taught or suggested by *Singer*. Moreover, claims 15-23 and 25-37, which depend ultimately from claims 14 or 24, are allowable for the same reasons as those set forth above, and also because they include recitations not taught or suggested by *Singer*. The applicants respectfully request that the rejections of these claims be withdrawn and the claims allowed.

With respect to independent claim 38, *Singer* does not teach, suggest, or describe "searching the non-essential region in the memory device for at least one module." *Singer* does not teach or suggest the non-essential region in the memory device having modules. The Action argues that this is disclosed by Fig. 2, but no modules are even suggested as part of the non-essential region, and no searching of the non-essential region is taught or disclosed. *Singer* further does not teach, suggest, or describe "if the at least one module is found in the non-essential region, then executing the program code in the at least one module, wherein the at least one module in the non-essential region contains an updated version of the program code for the computer system." The Action argues that this is taught by the following language from *Singer*:

> The BIOS update file 10 allows an unauthenticated third party that is not the OEM to selectively add, modify and/or remove components from secure signed data portion 14 without OEM involvement and without the OEM losing trust in the resulting modified components.

Nowhere in this, or anywhere else in *Singer*, is executing the program code in at least one found module taught or suggested. Moreover, a module in a non-essential region containing updated versions of program code is not taught or suggested by *Singer*. Therefore, Singer does not teach, suggest, or disclose every element of independent claim 38, and the applicants respectfully assert that the claim is in condition for allowance and request that the rejection be withdrawn.
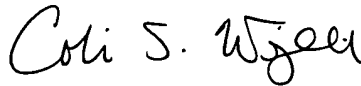
With regard to claims 39-41, which depend from claim 38, these claims are allowable for the same reasons as claim 38, and because they include recitations not taught or suggested by Singer. The applicants therefore request that the rejections of these claims be withdrawn and the claims allowed.

CONCLUSION

In view of the foregoing amendment and remarks, the applicants respectfully submit that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicants' undersigned attorney at the number below.

Respectfully submitted,

HOPE BALDAUFF HARTMAN, LLC

Date: September 26, 2006

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APPENDIX A

The following 2 pages contain a Replacement Sheet for Figure 1 of the application, and an Annotated Sheet Showing Changes for Figure 1.
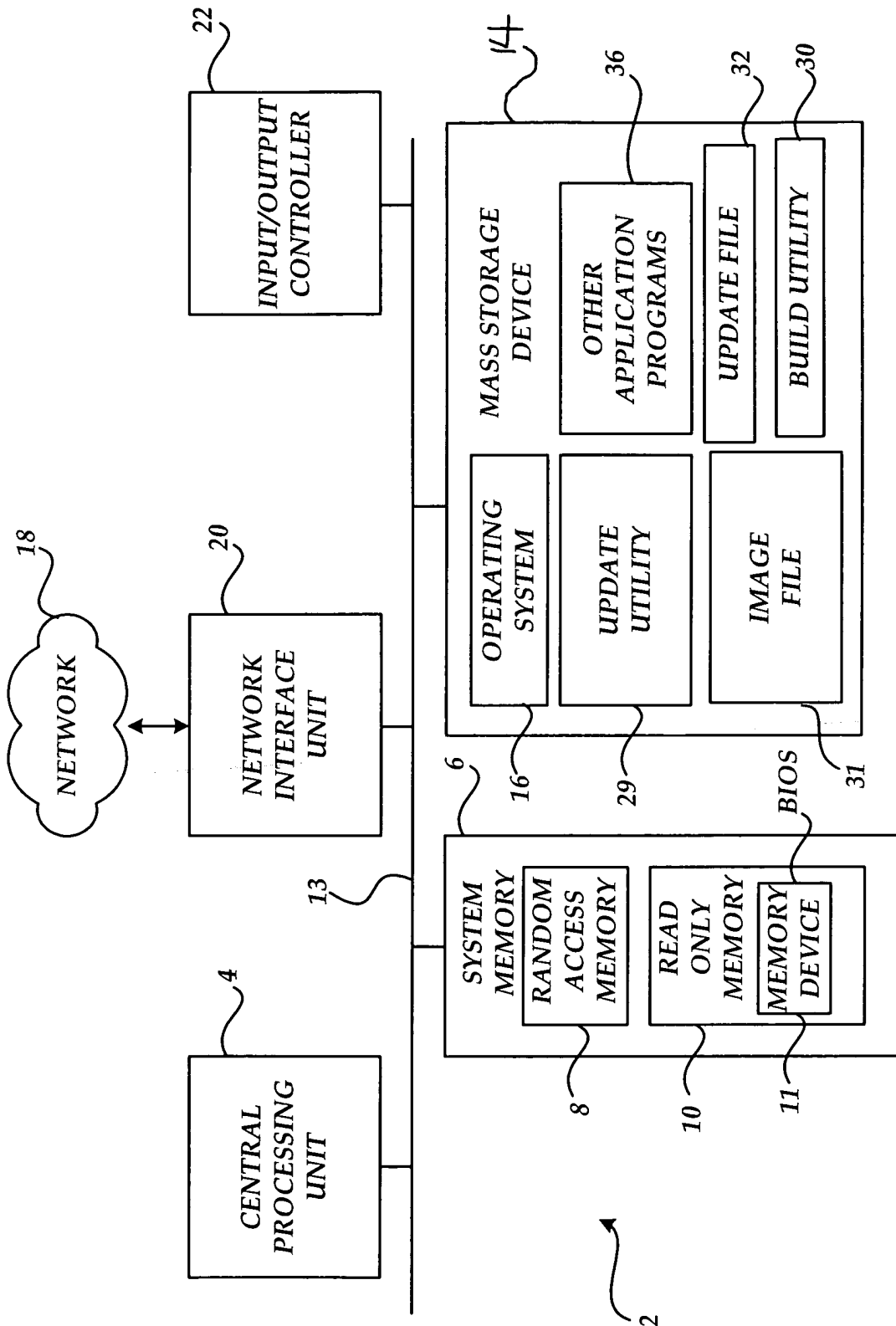
Annotated Sheet Showing Changes

INPUT/OUTPUT CONTROLLER 22

MASS STORAGE DEVICE 14

OTHER APPLICATION PROGRAMS 36

UPDATE FILE 32

BUILD UTILITY 30

OPERATING SYSTEM 16

UPDATE UTILITY 29

IMAGE FILE 31

NETWORK 18

NETWORK INTERFACE UNIT 20

CENTRAL PROCESSING UNIT 4

13

6 SYSTEM MEMORY

RANDOM ACCESS MEMORY 8

READ ONLY MEMORY 10

MEMORY DEVICE 11

BIOS

2

Fig.1